

3. Zoning By-Law Amendment – 851 Richmond Road

Modification du Règlement de zonage – 851, chemin Richmond

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 851 Richmond Road to permit an indoor rooftop amenity area to project above the height limit, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification apportée au Règlement de zonage 2008-250, visant le 851, chemin Richmond afin d'autoriser une aire d'agrément intérieure sur le toit, au-dessus de la limite de hauteur de la zone, comme le précise le document 2.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 11, 2021 (ACS2021-PIE-PS-0038)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 11 mars 2021 (ACS2021-PIE-PS-0038)
2. Extract of draft Minutes, Planning Committee, March 25, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 25 mars 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
25 March 2021 / 25 mars 2021**

**and Council
et au Conseil
14 April 2021 / 14 avril 2021**

**Submitted on 11 March 2021
Soumis le 11 mars 2021**

**Submitted by
Soumis par:**

**Lee Ann Snedden,
Director / Directrice**

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: BAY (7) / BAIE (7)

File Number: ACS2021-PIE-PS-0038

SUBJECT: Zoning By-law Amendment – 851 Richmond Road

OBJET: Modification du Règlement de zonage – 851, chemin Richmond

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 851 Richmond Road to permit an indoor rooftop amenity area to project above the height limit, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of April 14, 2021, subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification apportée au Règlement de zonage 2008-250, visant le 851, chemin Richmond afin d'autoriser une aire d'agrément intérieure sur le toit, au-dessus de la limite de hauteur de la zone, comme le précise le document 2.
2. Que le Comité de l'urbanisme rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 14 avril 2021 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

851 Richmond Road

Owner

Homestead Land Holdings Ltd.

Applicant

Fotenn Consultants Inc. (Kersten Nitsche)

Architect

Roderick Lahey Architect Inc.

851 Richmond Road

Description of site and surroundings

The site is zoned Traditional Mainstreet, with a site-specific maximum building height of 33 metres and urban exception 2497 (TM[2497]) H(33). The applicant has requested an amendment to the site specific exception to allow for an indoor rooftop amenity space to be provided as a projection above the height limit. While a mechanical penthouse is a permitted projection above the height limit, amenity space within this structure is not allowed.

Surrounding land uses include a low-rise residential neighbourhood to the north; Byron Linear Park, low-rise apartment dwellings and a Banquet Hall to the south; and restaurants to the east and west. The property to the east, currently occupied by "Kristy's Restaurant", has received approval for a Zoning By-law Amendment application to permit a 24-storey mixed-use building. In addition, an LRT station is proposed at Cleary Avenue, approximately 250 metres from the subject site, as a part of Stage 2 of the City of Ottawa's Light Rail Transit Plan.

Summary of requested Zoning By-law Amendment proposal

The site is zoned Traditional Mainstreet, with a site-specific maximum building height of 33 metres and urban exception 2497 (TM[2497]) H(33). The applicant has requested an amendment to the site specific exception. The amendment is requested to allow for an indoor rooftop amenity space to be provided as a projection above the height limit.

While massing of the mechanical penthouse is generally as approved, through the finalization of building permits and engineering, the design of the mechanical penthouse has been refined to capture the ultimate location of stairs, elevator shaft and ultimate size of mechanical equipment. Through the detailed engineering of the building, the

rooftop mechanical was shifted approximately 1.2-1.5 metres to the south, as compared with the drawings approved in 2019 as a part of the site plan control application, so that the support columns along the south edge of the penthouse align with supports below. Through this process it has been realized that the full penthouse is not required for mechanical equipment and the applicant wishes to convert a portion of the enclosed space into an amenity for residents. Use of the space as amenity would have no impact on the ultimate size of the penthouse.

The approved development includes an outdoor rooftop amenity space for residents, including terrace and walking path along all four sides of the building. The outdoor amenity space is accessed via elevators and stairs integrated into the mechanical penthouse. Document 3 illustrates the proposed indoor rooftop amenity plan. While an outdoor rooftop terrace and mechanical penthouse are permitted projections under Section 64 of the City of Ottawa Zoning By-law, the addition of an enclosed amenity space is not. The enclosed amenity area is therefore the subject of the current Minor Zoning By-law Amendment request.

The proposed Zoning By-law Amendment seeks to:

1. Urban Exception [XXXX] includes provisions to address the following:
 - An indoor roof top amenity area is permitted to project above the maximum height limit provided the combined area does not exceed 195 square metres and a maximum height of 3.9 metres.

Brief history of proposal

A Site Plan Control Application for the subject building was approved in 2019 and the building is currently under construction (D07-12-17-0135). The approved development will include a total of 122 dwelling units and replaces existing surface parking with two levels of underground parking accommodating a total of 128 parking spaces. The Site Plan Control application was subject to the Urban Design Review Panel process. A formal review meeting was held on December 7, 2017.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Six comments were received from residents during the review process. Two comments had questions regarding the application. Four comments raised concern with the proposed amenity space including an increase in parking utilization, and the increase in height and corresponding increase to wind and shadow impacts. Comments and responses are summarised in Document 4 below.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designations

The site is located within the Traditional Mainstreet designation as shown on Schedule B of the City's Official Plan. Schedule C shows Richmond Road as a primary on-street cycling route. Schedule E, Urban Road Network, shows Richmond Road as an arterial road.

Other applicable policies and guidelines

The site is within the boundaries of the Cleary and New Orchard Area in Volume 2b of the Official Plan. The Cleary and New Orchard Area-Specific Policies provide strategic planning direction to guide future development and redevelopment of lands that are in close proximity to Cleary and New Orchard stations.

The Urban Design Guidelines for Traditional Mainstreets guide development to provide compatibility in context, to achieve high-quality built forms, provide continuity along Mainstreets, to foster compact pedestrian oriented development and a broad range of uses. Mainstreets promote buildings that respect the rhythm and pattern of the existing or planned buildings on the street, set back upper storeys, and respect the privacy of buildings to the rear.

The Urban Design Guidelines for High-Rise Buildings speak to high-rise buildings being well designed, including a mix of land uses to support urban services and amenities, contribute to an area's liveability, and shape and define public streets and spaces at a human scale. Guidelines include addressing compatibility through massing, setbacks and transitions, including a podium, orienting the towers to minimize the extent of shadowing, designing with compact floor plates, and improving spaces for pedestrians and the public realm.

Urban Design Review Panel

The property is within a Design Priority Area however, as no changes to the height or massing of the building are proposed as a result of the application, the application is not

subject to the Urban Design Review Panel process.

Planning rationale

This application has been reviewed under the consolidated Official Plan (2003) and amendments in effect from Official Plan Amendment 150 (OPA 150).

Site Plan Control application D07-12-17-0135, approved in 2019, reviewed the function and design of the subject building and determined that the proposal conformed to City policies and guidelines, and relevant provisions of the Zoning By-law. The review of subject application is focused on the provision of indoor amenity space within the mechanical penthouse.

According to Schedule B of the Official Plan, the site is designated as Traditional Mainstreet (Section 3.6.3). Traditional Mainstreets encourage dense and mixed-use development that supports, and is supported by, increased walking, cycling and transit use, along with a built form that emphasizes street-level animation and a pedestrian-friendly environment with active frontages.

Section 2.5.1 and 4.11 of the Official Plan provide policy direction for urban design and compatibility.

Section 2.5.1 of the Official Plan contains a set of Design Objectives and Principles for development across the City. Section 2.5.1 is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, considerations on the adaptability of space in a building, and sustainability. The provision of amenity space within the mechanical penthouse respects the existing character of the community by maintaining the permitted massing of the building. The application supports objectives to provide high quality, safe and adaptable private spaces by providing private amenity space for residents that can be used year-round and introduces a direct link between the approved outdoor amenity space and the proposed indoor amenity space ensuring that residents can move through both communal spaces seamlessly.

Section 4.11 further references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design. The proposed amendment to permit an enclosed amenity area to project above the height limits supports the policies of Section 4.11 by repurposing existing space within the mechanical penthouse for the proposed amenity area. The approved outdoor terrace on

the northerly façade, as well as the rubberized walking track which encompasses the building on all four sides ensures that any overlook from the proposed indoor amenity space is mitigated. As the massing of the mechanical penthouse will not change, no impacts due to wind or shadow are anticipated.

The Cleary and New Orchard Area - Specific Policies

The Cleary and New Orchard Area -Specific policies in Volume 2b of the Official Plan designate the site as Traditional Mainstreet. The Traditional Mainstreet designation permits mid-rise buildings of five or six stories, except where existing zoning provisions permit greater height permission. The existing zoning permissions on the site allow for heights up to 33 metres. The proposed enclosed amenity area will have no impact on the overall perceived height of the building as it is being incorporated into the space that was previously to be included as mechanical space within the penthouse.

Section 4.1 of the Area Specific Policies contains provisions to be required in the design of High Rise buildings. The application supports Policy 2 c. as it provides a roof-top mechanical penthouse that is architecturally integrated into the tower's design.

Staff are satisfied that the proposed amendment is consistent with the Official Plan, and guidelines for high-rise development, and development on Traditional Mainstreets. As provided earlier in this submission, the proposed development satisfies the policies of Sections 2.5.1 and 4.11, which show how the perceived height and massing of the building will be maintained and no negative impacts are anticipated as a result of development.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

The Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the recommendations in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed buildings will be required to meet the accessibility requirements contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification; and
- Integrated Transportation.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-20-0128) was processed by the "On Time Decision Date" established for the processing of Zoning By-law Amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Proposed Roof-top Plan

Document 4 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law Amendment. The development is appropriate in this context and the requested amendments conform with the Official Plan and are consistent with the Provincial Policy Statement.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

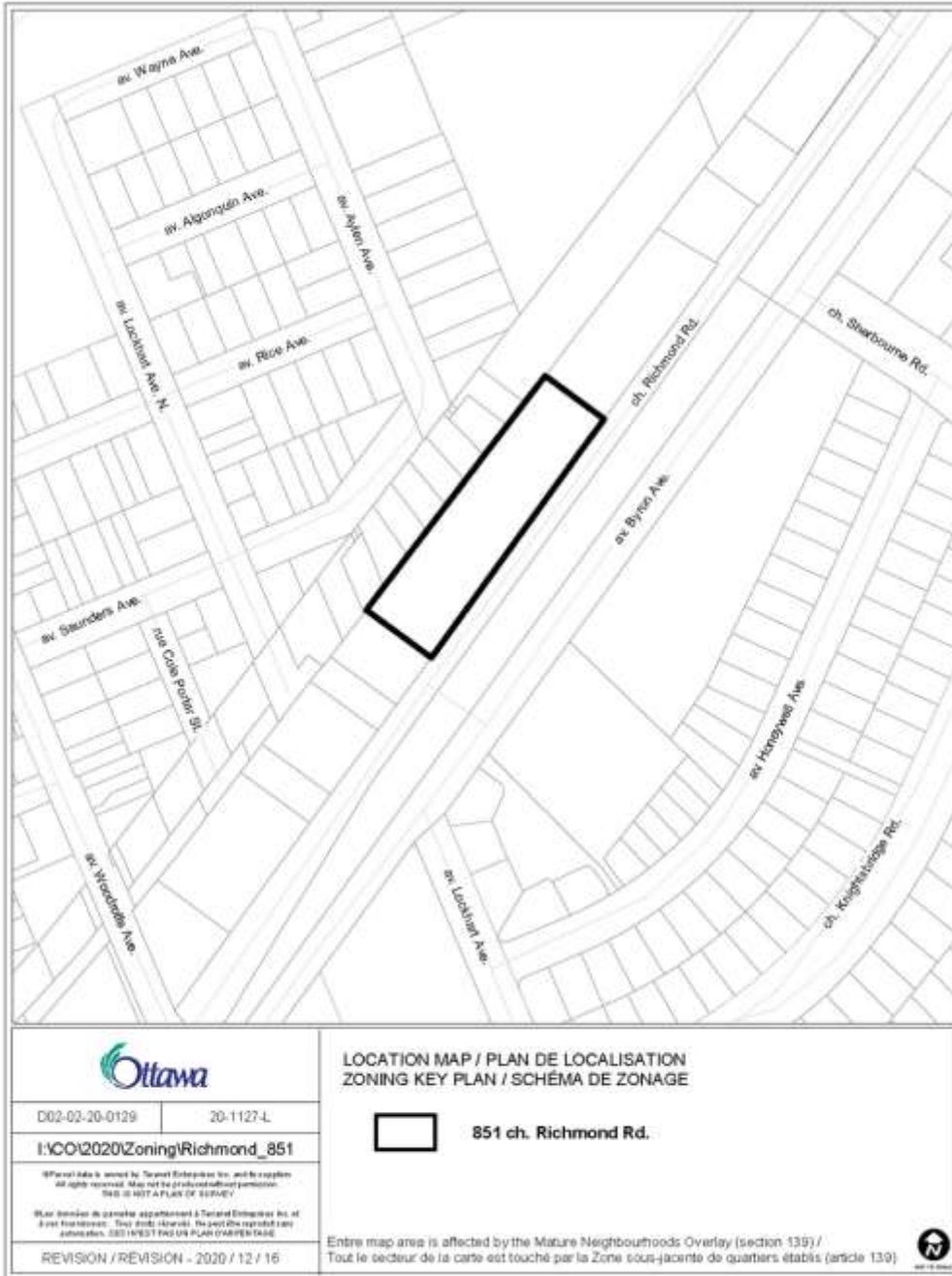
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing By-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.

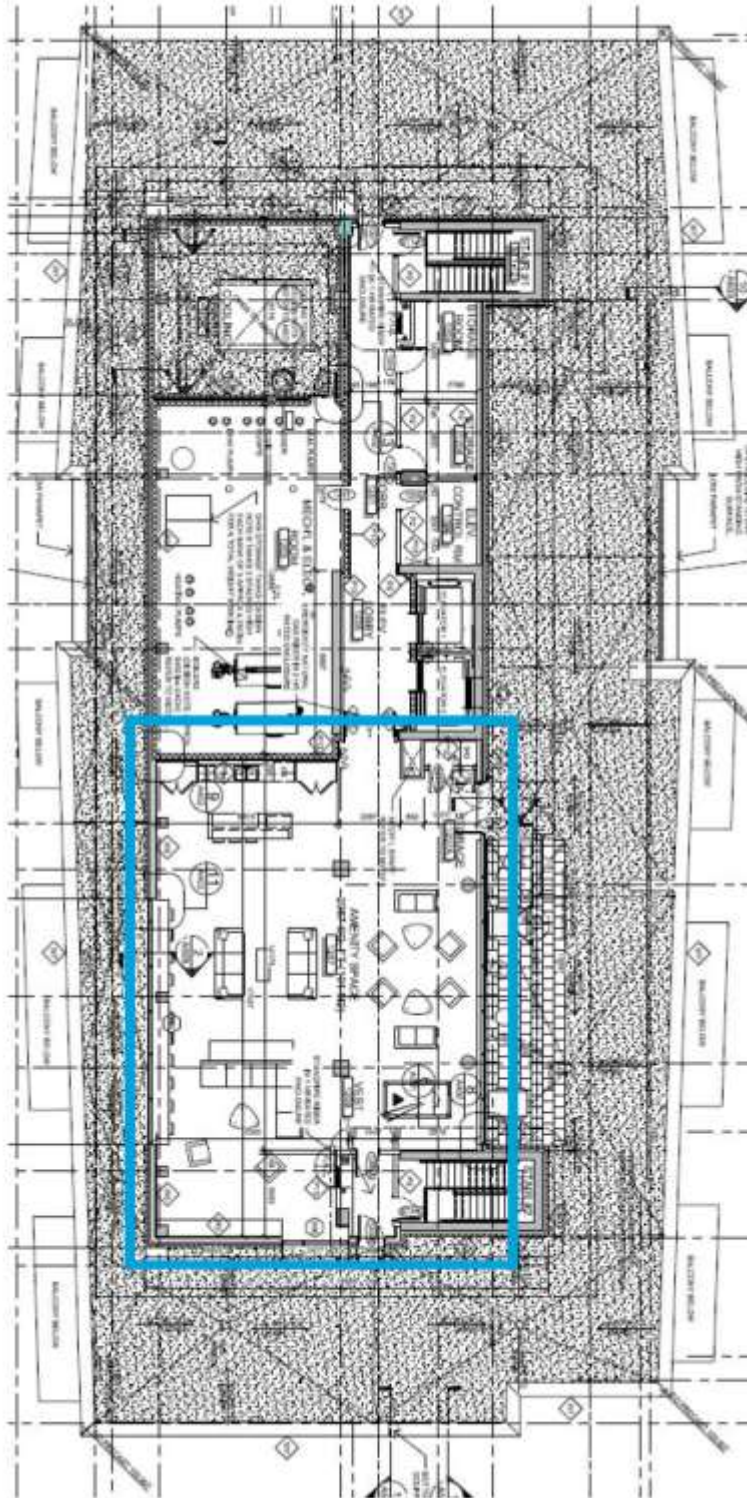


Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 851 Richmond Road.

1. Amend Section 239, Urban Exception [2497], by adding the following:
 - a In Column V, add the following provisions:
 - i. “An indoor roof top amenity area is permitted to project above the maximum height limit provided the combined area does not exceed 195 square metres and a maximum height of 3.9 metres.”

Document 3- Proposed Roof-top Plan



Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law Amendments.

Public Comments and Responses:

Comment:

The building will already add to the shading, noise, wind and loss of privacy for the community and neighbours experience as a result of apartment towers built along Richmond Road. Approving an additional rooftop terrace further add to the shading, noise, wind and loss of privacy.

Response:

The applicant is proposing to use a portion of the mechanical penthouse as amenity area. The perceived height and massing of the mechanical penthouse will not change as a result of the application, as such no additional impacts to wind or shadow are anticipated. The proposed indoor amenity space is inset from the edge of the building and will be surrounded by the approved outdoor terrace and walking path around all four sides of the roof top, as such no additional overlook or noise impacts are expected.

Comment:

The rooftop amenity/party space to the building will increase the parking on Byron as there will not be enough parking for the Lord Richmond and this new tower for residents and guests. Parking on Bryon increases the danger to residents using the road and paths, as the parked cars tend to park blocking the road, bike paths, and intersections, and also reduce visibility along Byron around this area when they park on both sides.

Response:

Parking rates for all residential buildings across the City are based upon the number of residential dwelling units in a building. As there is no change to the number of residential units provided, no additional parking is required as result of the provision of indoor amenity space.

Comment:

Concerned about light pollution if the combination of indoor lighting and window area would throw light in excess of what would be expected from normal apartments or condominiums.

Response:

The proposed amenity space would not be lit in excess of other condominiums, additionally the proposed amenity space will inset from the edge of the floor below which will minimize the appearance of the windows from below.